

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

**RICHELLE JACLYN PASSADORE**

Applicant for Registered Nurse License

Respondent

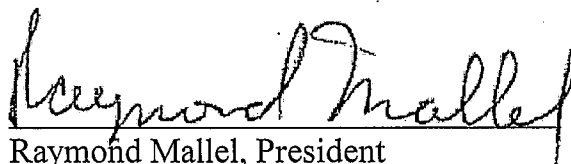
Case No. 2013 -326

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **February 1, 2013.**

IT IS SO ORDERED **January 3, 2013.**

A handwritten signature in black ink, appearing to read "Raymond Mallel", is written over a horizontal line.

Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 CHAR SACHSON  
Deputy Attorney General  
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*Attorneys for Complainant*

7  
8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues  
Against:

13 **RICHELLE JACLYN PASSADORE**  
14 **2783 Jennifer Drive**  
**Castro Valley, CA 94546**

15 **Registered Nursing License**

16 Applicant.

Case No. 2013-326

17 **STIPULATED SETTLEMENT AND**  
18 **DISCIPLINARY ORDER**

19 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
20 interest and the responsibility of the Board of Registered Nursing of the Department of Consumer  
21 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order  
22 which will be submitted to the Board for approval and adoption as the final disposition of the  
Statement of Issues.

23 **PARTIES**

24 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of  
25 Registered Nursing. She brought this action solely in her official capacity and is represented in  
26 this matter by Kamala D. Harris, Attorney General of the State of California, by Char Sachson,  
27 Deputy Attorney General.  
28

2. Applicant Richelle Jaclyn Passadore (Applicant) is represented in this proceeding by attorney Carol M. Langford, whose address is: 100 Pringle Avenue, Suite 570 Walnut Creek, California 94596.

3. On or about February 17, 2012, Applicant filed an application dated February 16, 2012, with the Board of Registered Nursing to obtain a Registered Nursing License.

#### JURISDICTION

4. Statement of Issues No. 2013-326 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Applicant. The Statement of Issues and all other statutorily required documents were properly served on Applicant on October 31, 2012.

5. A copy of Statement of Issues No. 2013-326 is attached as exhibit A and incorporated herein by reference.

#### ADVISEMENT AND WAIVERS

6. Applicant has carefully read, fully discussed with counsel, and understands the charges and allegations in Statement of Issues No. 2013-326. Applicant has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Applicant is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Applicant voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 CULPABILITY

2 9. Applicant admits the truth of each and every charge and allegation in Statement of  
3 Issues No. 2013-326.

4 10. Applicant agrees that her Registered Nursing License is subject to denial and she  
5 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

6 CIRCUMSTANCES IN MITIGATION

7 11. Applicant Richelle Jaclyn Passadore has never been the subject of any disciplinary  
8 action. She is admitting responsibility at an early stage in the proceedings.

9 CONTINGENCY

10 12. This stipulation shall be subject to approval by the Board of Registered Nursing.  
11 Applicant understands and agrees that counsel for Complainant and the staff of the Board of  
12 Registered Nursing may communicate directly with the Board regarding this stipulation and  
13 settlement, without notice to or participation by Applicant or her counsel. By signing the  
14 stipulation, Applicant understands and agrees that she may not withdraw her agreement or seek to  
15 rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to  
16 adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order  
17 shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
18 between the parties, and the Board shall not be disqualified from further action by having  
19 considered this matter.

20 13. The parties understand and agree that facsimile copies of this Stipulated Settlement  
21 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
22 effect as the originals.

23 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
24 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
25 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
26 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
27 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
28 writing executed by an authorized representative of each of the parties.

15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED: The application of Applicant Richelle Jaclyn Passadore for licensure is hereby granted and a license shall be issued to Applicant upon successful completion of all licensing requirements. Said license shall immediately be revoked, the order of revocation stayed and Applicant placed on probation for a period of three (3) years on the following conditions:

**Severability Clause.** Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Applicant shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Applicant to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Applicant shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

**Criminal Court Orders:** If Applicant is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Applicant shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Applicant's compliance with the Board's Probation Program. Applicant shall inform the Board in writing within no more

1 than 15 days of any address change and shall at all times maintain an active, current license status  
2 with the Board, including during any period of suspension.

3 Upon successful completion of probation, Applicant's license shall be fully restored.

4 3. **Report in Person.** Applicant, during the period of probation, shall appear in person  
5 at interviews/meetings as directed by the Board or its designated representatives.

6 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or  
7 practice as a registered nurse outside of California shall not apply toward a reduction of this  
8 probation time period. Applicant's probation is tolled, if and when she resides outside of  
9 California. Applicant must provide written notice to the Board within 15 days of any change of  
10 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
11 returning to practice in this state.

12 Applicant shall provide a list of all states and territories where she has ever been licensed as  
13 a registered nurse, vocational nurse, or practical nurse. Applicant shall further provide  
14 information regarding the status of each license and any changes in such license status during the  
15 term of probation. Applicant shall inform the Board if she applies for or obtains a new nursing  
16 license during the term of probation.

17 5. **Submit Written Reports.** Applicant, during the period of probation, shall submit or  
18 cause to be submitted such written reports/declarations and verification of actions under penalty  
19 of perjury, as required by the Board. These reports/declarations shall contain statements relative  
20 to Applicant's compliance with all the conditions of the Board's Probation Program. Applicant  
21 shall immediately execute all release of information forms as may be required by the Board or its  
22 representatives.

23 Applicant shall provide a copy of this Decision to the nursing regulatory agency in every  
24 state and territory in which she has a registered nurse license.

25 6. **Function as a Registered Nurse.** Applicant, during the period of probation, shall  
26 engage in the practice of registered nursing in California for a minimum of 24 hours per week for  
27 6 consecutive months or as determined by the Board.

28 For purposes of compliance with the section, "engage in the practice of registered nursing"

1 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
2 non-direct patient care position that requires licensure as a registered nurse.

3 The Board may require that advanced practice nurses engage in advanced practice nursing  
4 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

5 If Applicant has not complied with this condition during the probationary term, and  
6 Applicant has presented sufficient documentation of her good faith efforts to comply with this  
7 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
8 extension of Applicant's probation period up to one year without further hearing in order to  
9 comply with this condition. During the one year extension, all original conditions of probation  
10 shall apply.

11 **7. Employment Approval and Reporting Requirements.** Applicant shall obtain prior  
12 approval from the Board before commencing or continuing any employment, paid or voluntary,  
13 as a registered nurse. Applicant shall cause to be submitted to the Board all performance  
14 evaluations and other employment related reports as a registered nurse upon request of the Board.

15 Applicant shall provide a copy of this Decision to her employer and immediate supervisors  
16 prior to commencement of any nursing or other health care related employment.

17 In addition to the above, Applicant shall notify the Board in writing within seventy-two  
18 (72) hours after she obtains any nursing or other health care related employment. Applicant shall  
19 notify the Board in writing within seventy-two (72) hours after she is terminated or separated,  
20 regardless of cause, from any nursing, or other health care related employment with a full  
21 explanation of the circumstances surrounding the termination or separation.

22 **8. Supervision.** Applicant shall obtain prior approval from the Board regarding  
23 Applicant's level of supervision and/or collaboration before commencing or continuing any  
24 employment as a registered nurse, or education and training that includes patient care.

25 Applicant shall practice only under the direct supervision of a registered nurse in good  
26 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods  
27 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
28 approved.

1 Applicant's level of supervision and/or collaboration may include, but is not limited to the  
2 following:

3 (a) Maximum - The individual providing supervision and/or collaboration is present in  
4 the patient care area or in any other work setting at all times.

5 (b) Moderate - The individual providing supervision and/or collaboration is in the patient  
6 care unit or in any other work setting at least half the hours Applicant works.

7 (c) Minimum - The individual providing supervision and/or collaboration has person-to-  
8 person communication with Applicant at least twice during each shift worked.

9 (d) Home Health Care - If Applicant is approved to work in the home health care setting,  
10 the individual providing supervision and/or collaboration shall have person-to-person  
11 communication with Applicant as required by the Board each work day. Applicant shall maintain  
12 telephone or other telecommunication contact with the individual providing supervision and/or  
13 collaboration as required by the Board during each work day. The individual providing  
14 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
15 patients' homes visited by Applicant with or without Applicant present.

16 9. **Employment Limitations.** Applicant shall not work for a nurse's registry, in any  
17 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,  
18 or for an in-house nursing pool.

19 Applicant shall not work for a licensed home health agency as a visiting nurse unless the  
20 registered nursing supervision and other protections for home visits have been approved by the  
21 Board. Applicant shall not work in any other registered nursing occupation where home visits are  
22 required.

23 Applicant shall not work in any health care setting as a supervisor of registered nurses. The  
24 Board may additionally restrict Applicant from supervising licensed vocational nurses and/or  
25 unlicensed assistive personnel on a case-by-case basis.

26 Applicant shall not work as a faculty member in an approved school of nursing or as an  
27 instructor in a Board approved continuing education program.

28 Applicant shall work only on a regularly assigned, identified and predetermined worksite(s)



1 and shall not work in a float capacity.

2 If Applicant is working or intends to work in excess of 40 hours per week, the Board may  
3 request documentation to determine whether there should be restrictions on the hours of work.

4 **10. Complete a Nursing Course(s).** Applicant, at her own expense, shall enroll and  
5 successfully complete a course(s) relevant to the practice of registered nursing no later than six  
6 months prior to the end of her probationary term.

7 Applicant shall obtain prior approval from the Board before enrolling in the course(s).  
8 Applicant shall submit to the Board the original transcripts or certificates of completion for the  
9 above required course(s). The Board shall return the original documents to Applicant after  
10 photocopying them for its records.

11 **11. Violation of Probation.** If Applicant violates the conditions of her probation, the  
12 Board after giving Applicant notice and an opportunity to be heard, may set aside the stay order  
13 and impose the stayed discipline (revocation/suspension) of Applicant's license.

14 If during the period of probation, an accusation or petition to revoke probation has been  
15 filed against Applicant's license or the Attorney General's Office has been requested to prepare  
16 an accusation or petition to revoke probation against Applicant's license, the probationary period  
17 shall automatically be extended and shall not expire until the accusation or petition has been acted  
18 upon by the Board.

19 **12. License Surrender.** During Applicant's term of probation, if she ceases practicing  
20 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,  
21 Applicant may surrender her license to the Board. The Board reserves the right to evaluate  
22 Applicant's request and to exercise its discretion whether to grant the request, or to take any other  
23 action deemed appropriate and reasonable under the circumstances, without further hearing.  
24 Upon formal acceptance of the tendered license and wall certificate, Applicant will no longer be  
25 subject to the conditions of probation.

26 Surrender of Applicant's license shall be considered a disciplinary action and shall become  
27 a part of Applicant's license history with the Board. A registered nurse whose license has been  
28 surrendered may petition the Board for reinstatement no sooner than the following minimum

periods from the effective date of the disciplinary decision:

(1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or

(2) One year for a license surrendered for a mental or physical illness.

**13. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

Applicant, at her expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the Board. If Applicant has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, Applicant, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider Applicant in violation of probation.

Based on Board recommendation, each week Applicant shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Applicant shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Applicant shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

**14. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Applicant shall completely abstain from the possession, injection or consumption by any route of all controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Applicant shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the Applicant's prognosis, the date the medication will no longer

1 be required, and the effect on the recovery plan, if appropriate.

2 Applicant shall identify for the Board a single physician, nurse practitioner or physician  
3 assistant who shall be aware of Applicant's history of substance abuse and will coordinate and  
4 monitor any prescriptions for Applicant for dangerous drugs, controlled substances or mood-  
5 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report  
6 to the Board on a quarterly basis Applicant's compliance with this condition. If any substances  
7 considered addictive have been prescribed, the report shall identify a program for the time limited  
8 use of any such substances.

9 The Board may require the single coordinating physician, nurse practitioner, or physician  
10 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive  
11 medicine.

12 **15. Submit to Tests and Samples.** Applicant, at her expense, shall participate in a  
13 random, biological fluid testing or a drug screening program which the Board approves. The  
14 length of time and frequency will be subject to approval by the Board. Applicant is responsible  
15 for keeping the Board informed of Applicant's current telephone number at all times. Applicant  
16 shall also ensure that messages may be left at the telephone number when she is not available and  
17 ensure that reports are submitted directly by the testing agency to the Board, as directed. Any  
18 confirmed positive finding shall be reported immediately to the Board by the program and  
19 Applicant shall be considered in violation of probation.

20 In addition, Applicant, at any time during the period of probation, shall fully cooperate with  
21 the Board or any of its representatives, and shall, when requested, submit to such tests and  
22 samples as the Board or its representatives may require for the detection of alcohol, narcotics,  
23 hypnotics, dangerous drugs, or other controlled substances.

24 If Applicant has a positive drug screen for any substance not legally authorized and not  
25 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board  
26 files a petition to revoke probation or an accusation, the Board may suspend Applicant from  
27 practice pending the final decision on the petition to revoke probation or the accusation. This  
28 period of suspension will not apply to the reduction of this probationary time period.

1 If Applicant fails to participate in a random, biological fluid testing or drug screening  
2 program within the specified time frame, Applicant shall immediately cease practice and shall not  
3 resume practice until notified by the Board. After taking into account documented evidence of  
4 mitigation, if the Board files a petition to revoke probation or an accusation, the Board may  
5 suspend Applicant from practice pending the final decision on the petition to revoke probation or  
6 the accusation. This period of suspension will not apply to the reduction of this probationary time  
7 period.

8 16. **Mental Health Examination.** Applicant shall, within 45 days of the effective date of  
9 this Decision, have a mental health examination including psychological testing as appropriate to  
10 determine her capability to perform the duties of a registered nurse. The examination will be  
11 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by  
12 the Board. The examining mental health practitioner will submit a written report of that  
13 assessment and recommendations to the Board. All costs are the responsibility of Applicant.  
14 Recommendations for treatment, therapy or counseling made as a result of the mental health  
15 examination will be instituted and followed by Applicant.

16 If Applicant is determined to be unable to practice safely as a registered nurse, the licensed  
17 mental health care practitioner making this determination shall immediately notify the Board and  
18 Applicant by telephone, and the Board shall request that the Attorney General's office prepare an  
19 accusation or petition to revoke probation. Applicant shall immediately cease practice and may  
20 not resume practice until notified by the Board. During this period of suspension, Applicant shall  
21 not engage in any practice for which a license issued by the Board is required, until the Board has  
22 notified Applicant that a mental health determination permits Applicant to resume practice. This  
23 period of suspension will not apply to the reduction of this probationary time period.

24 If Applicant fails to have the above assessment submitted to the Board within the 45-day  
25 requirement, Applicant shall immediately cease practice and shall not resume practice until  
26 notified by the Board. This period of suspension will not apply to the reduction of this  
27 probationary time period. The Board may waive or postpone this suspension only if significant,  
28 documented evidence of mitigation is provided. Such evidence must establish good faith efforts

by Applicant to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

17. **Therapy or Counseling Program.** Applicant, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

18. **Physical Examination.** Within 45 days of the effective date of this decision, respondent, at his/her expense, shall have a licensed physician, nurse practitioner, or physician assistant, who is approved by the Board before the assessment is performed, submit an assessment of the respondent's physical condition and capability to perform the duties of a registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If medically determined, a recommended treatment program will be instituted and followed by the respondent with the physician, nurse practitioner, or physician assistant providing written reports to the Board on forms provided by the Board.

If respondent is determined to be unable to practice safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant making this determination shall immediately notify the Board and respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and shall not resume practice until notified by the Board. During this period of suspension, respondent shall not engage in any practice for which a license issued by the Board is required until the Board has notified respondent that a medical determination permits respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If the respondent fails to have the above assessment submitted to the Board within the 45 day requirement, respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts

1 by the respondent to obtain the assessment, and a specific date for compliance must be provided.  
2 Only one such waiver or extension may be permitted.

3 ACCEPTANCE

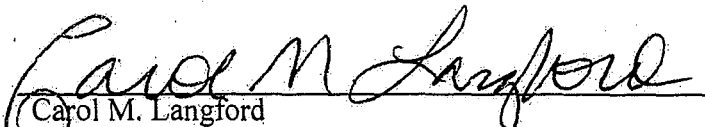
4 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
5 discussed it with my attorney, Carol M. Langford. I understand the stipulation and the effect it  
6 will have on my Registered Nursing License. I enter into this Stipulated Settlement and  
7 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
8 Decision and Order of the Board of Registered Nursing.

9  
10 DATED: \_\_\_\_\_

11 RICHELLE JACLYN PASSADORE  
Applicant

12 I have read and fully discussed with Applicant Richelle Jaclyn Passadore the terms and  
13 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
14 I approve its form and content.

15 DATED: 12-4-12

  
16 Carol M. Langford  
Attorney for Applicant

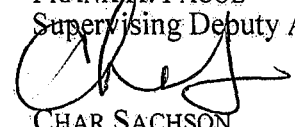
17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
19 submitted for consideration by the Board of Registered Nursing of the Department of Consumer  
20 Affairs.

21 Dated: 12/5/12

Respectfully submitted,

22 KAMALA D. HARRIS  
Attorney General of California  
23 FRANK H. PACOE  
Supervising Deputy Attorney General

  
24 CHAR SACHSON  
25 Deputy Attorney General  
26 Attorneys for Complainant

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1 by the respondent to obtain the assessment, and a specific date for compliance must be provided.  
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3 ACCEPTANCE

4 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
5 discussed it with my attorney, Carol M. Langford. I understand the stipulation and the effect it  
6 will have on my Registered Nursing License. I enter into this Stipulated Settlement and  
7 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
8 Decision and Order of the Board of Registered Nursing.

9  
10 DATED: 12/4/12

Richelle Passadore  
11 RICHELLE JACLYN PASSADORE  
Applicant

12 I have read and fully discussed with Applicant Richelle Jaclyn Passadore the terms and  
13 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
14 I approve its form and content.

15 DATED: \_\_\_\_\_

16 Carol M. Langford  
Attorney for Applicant

17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
19 submitted for consideration by the Board of Registered Nursing of the Department of Consumer  
20 Affairs.

21 Dated: \_\_\_\_\_

Respectfully submitted,

22 KAMALA D. HARRIS  
23 Attorney General of California  
24 FRANK H. PACOE  
Supervising Deputy Attorney General

25 CHAR SACHSON  
26 Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**Statement of Issues No. 2013-326**



1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 CHAR SACHSON  
Deputy Attorney General  
4 State Bar No. 161032  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5558  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
Against:

Case No. 2013-326

12 **RICHELLE JACLYN PASSADORE**

**STATEMENT OF ISSUES**

13 **Registered Nursing License Applicant**

14 Applicant.

15  
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
19 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
20 Consumer Affairs.

21 2. On or about February 17, 2012, the Board of Registered Nursing, Department of  
22 Consumer Affairs received an application for a Registered Nursing License from Richelle Jaclyn  
23 Passadore (Applicant). On or about February 16, 2012, Richelle Jaclyn Passadore certified under  
24 penalty of perjury to the truthfulness of all statements, answers, and representations in the  
25 application. The Board denied the application on July 25, 2012. On August 7, 2012 Applicant  
26 appealed the Board's denial.

27 ///

28 ///

JURISDICTION

3. This Statement of Issues is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2736 of the Code provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that code.

5. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

..."

6. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to

1 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
2 ability to conduct with safety to the public the practice authorized by his or her license.

3 "(c) Be convicted of a criminal offense involving the prescription, consumption, or  
4 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
5 or the possession of, or falsification of a record pertaining to, the substances described in  
6 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
7 thereof.

8 "(d) Be committed or confined by a court of competent jurisdiction for intemperate use of  
9 or addiction to the use of any of the substances described in subdivisions (a) and (b) of this  
10 section, in which event the court order of commitment or confinement is prima facie evidence of  
11 such commitment or confinement.

12 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any  
13 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this  
14 section."

15 7. Section 480 of the Business and Professions Code provides, in pertinent part, that a  
16 board may deny a license if the applicant has been convicted of a crime substantially related to  
17 the qualifications, functions or duties of the business or profession for which application is made,  
18 has committed any act involving dishonesty, fraud or deceit, has committed any act which if done  
19 by a licensee would be grounds for suspension or revocation of a license, or has knowingly made  
20 a false statement of fact required to be revealed in the application.

21 FIRST CAUSE FOR DENIAL OF APPLICATION

22 (CRIMINAL CONVICTION)

23 8. Applicant is subject to disciplinary action under sections 2761(a), 2761(f), 2762(a),  
24 2762(c), and/or 480 in that on or about September 14, 2006, in a criminal proceeding entitled *The*  
25 *People of the State of California v. Richelle J. Passadore* in Alameda County Superior Court,  
26 Docket Number 379834, Applicant was convicted by her plea of nolo contendere of violating  
27 Health and Safety Code section 11377(a) (possession of controlled substance). Applicant was  
28 sentenced to serve 30 days jail time and three years probation, and ordered to pay a fine in the

1 amount of \$120.00. The circumstances of the conviction are that on or about December 14, 2004,  
2 Applicant was arrested for possession of methamphetamine. Applicant was accepted into the  
3 court's Deferred Entry of Judgment Program/Diversion Program. However, on or about April 28,  
4 2006, Applicant was again arrested for being under the influence of methamphetamine, and she  
5 was subsequently terminated from the court's Diversion Program.

6 SECOND CAUSE FOR DENIAL OF APPLICATION

7 (POSSESSION OF ILLEGAL DRUGS)

8 9. Applicant is subject to disciplinary action under sections 2761(a), 2762(a), and/or 480  
9 in that on or about December 14, 2004 and on April 28, 2006 Applicant was in possession of  
10 methamphetamine, an illegal drug, as alleged above in paragraph 8.

11 THIRD CAUSE FOR DENIAL OF APPLICATION

12 (DANGEROUS USE OF DRUGS)

13 10. Applicant is subject to disciplinary action under sections 2761(a), 2762(b), and/or 480  
14 in that from approximately 2004 to 2006 Applicant used methamphetamines and other illegal  
15 substances.

16 FOURTH CAUSE FOR DENIAL OF APPLICATION

17 (UNPROFESSIONAL CONDUCT)

18 11. Applicant is subject to disciplinary action under sections 2761(a) and/or 480 in that  
19 on or about August 25, 2004, Applicant was arrested in Danville, California, for carrying a knife,  
20 an unlawful weapon.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Richelle Jaclyn Passadore for a Registered Nursing License;
2. Taking such other and further action as deemed necessary and proper.

DATED: October 25, 2012 *Louise R. Bailey*  
LOUISE R. BAILEY, M.E.D., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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